



City of Seattle

Gregory J. Nickels, Mayor
Department of Planning and Development
D. M. Sugimura, Director

**CITY OF SEATTLE
ANALYSIS AND DECISION OF THE DIRECTOR OF
THE DEPARTMENT OF PLANNING AND DEVELOPMENT**

Application Number: 2405151
Applicant Name : Julie Ledoux for Soleil LLC
Address of Proposal: 705 North 92nd Street

SUMMARY OF PROPOSED ACTION

Master Use Permit to subdivide one parcel into two parcels of land. Proposed parcel sizes: A) 4,307.7 sq. ft. and B) 4,259.2 sq. ft. Existing duplex and single family residence to remain.

The following approval is required:

Short Subdivision - to subdivide one existing parcel into two (2) parcels.
(Chapter 23.24, Seattle Municipal Code).

SEPA DETERMINATION: ☒ Exempt ☐ DNS ☐ MDNS ☐ EIS

☐ DNS with conditions

☐ DNS involving non-exempt grading or demolition or involving
another agency with jurisdiction

BACKGROUND DATA

Site & Area Description

This 8,568 square foot (sq. ft.) project site is located in a single family residential zone with a minimum lot size of 5,000 square feet (SF 5000), located in the northern area of the City of Seattle. The parcel is

a corner lot located on the southeast side at the intersection of Fremont Avenue North and North 92nd Street. An existing duplex, single family residence and detached storage shed resides on the site. The subject lot slopes gently upward from the north street-facing property line, becomes level, and then slopes downward near the west and south property lines. Fremont Avenue North is a paved roadway with no sidewalks, curbs nor gutters on both sides of the street. North 92nd Street is improved with sidewalks, curbs and gutters on both sides of the street. Fremont Avenue North is classified as a Non-arterial Street and North 92nd Street is classified as an Arterial Street, pursuant to SMC Chapter 23.53. The subject site is not located within any identified or designated Environmentally Critical Area. The properties north and west from the subject site are zoned Lowrise (L-1). The properties just south and east of the subject site are also zoned SF 5000. Development in the area consists of single-family houses and multi-family structures of varying age and architectural style on a variety of lot sizes, consistent with the zoning designations.

Proposal

The proposal is to subdivide one (1) parcel of land into two (2) lots. Proposed lot areas are indicated in the summary above. Proposed Parcel A will have direct access Fremont Avenue North and direct access to North 92nd Street via a proposed pedestrian easement. Parcel B will have direct access to both Fremont Avenue North and North 92nd Street. The existing duplex and single family residence will remain. The detached storage shed will be removed.

No development or construction activities are associated with the current proposal. The subject of this analysis and decision is restricted to the proposed division of land.

Public Comment

During the public comment period which ended August 11, 2004, DPD received no written comments.

ANALYSIS - SHORT SUBDIVISION

Pursuant to SMC 23.24.040, the Director shall, after conferring with appropriate officials, use the following criteria to determine whether to grant, condition or deny a short plat:

1. *Conformance to the applicable Land Use Code provisions;*
2. *Adequacy of access for vehicles, utilities, and fire protection, as provided in Section 23.53.005;*
3. *Adequacy of drainage, water supply, and sanitary sewage disposal;*

4. *Whether the public use and interests are served by permitting the proposed division of land;*
5. *Conformance to the applicable provisions of SMC Section 25.09.240, short subdivision and subdivisions, in environmentally critical areas;*
6. *Is designed to maximize the retention of existing trees;*

Based on information provided by the applicant, referral comments from the Building Plans Examiner, the Drainage Section, the Fire Department, Seattle Public Utilities (City Light and the Water Department), and review by the Land Use Planner, the following findings are made with respect to the above-cited criteria:

1. *Conformance to the applicable Land Use Code provisions;*

The subject property is zoned for single-family residential with a minimum lot size of 5,000 square feet. The allowed use in a single family zone is one dwelling unit per lot, with accessory dwelling units meeting the provisions of SMC 23.44.041 notwithstanding. Furthermore, the existing three dwelling units-single family residence and duplex structure-are allowed per the nonconforming provisions of SMC 23.42.102. Maximum lot coverage is 35%. Front setbacks are an average of the neighboring adjacent lots, or twenty (20) feet, whichever is less. The minimum side yard setbacks are five (5) feet. Minimum rear yard setbacks are twenty-five (25) feet or if lot depth is less than one-hundred twenty five feet (125'), 20% of lot depth.

This short subdivision was submitted on the basis of application of the 75% - 80% rule pursuant to SMC 23.44.010.B.1.b. By subdivision, lots in a single family zone may be created which are "[a]t least seventy-five (75) percent of the minimum required lot area and [are] at least eighty (80) percent of the mean lot area of the lots on the same block face within which the lot will be located and within the same zone". Seventy-five (75) percent of the minimum lot size of the SF 5000 zone is 3,750 square feet. Eighty percent of the mean lot sizes of the lots on the subject block face between North 91st Street and North 92nd Street, exclusive of the subject lot, are 4243.2 square feet, according to information submitted in the application. The proposed lot areas of Lots A and B, 4,307.7 and 4,259.2 square feet respectively, are greater than eighty percent of the mean lot area of the lots on the same block face (4,243.2 sq. ft.) and greater than seventy-five (75) percent of the minimum required lot area (3,750 sq. ft.). Thus, the proposed lot configuration meets the exception to the minimum lot area as contained in SMC 23.44.010.B.1.b.

The lots created by this proposed division of land will conform to all development standards of the SF 5000 zoning designation. The proposed parcels provide adequate buildable area to meet applicable setbacks, lot coverage requirements, and other Land Use Code development standards.

2. *Adequacy of access for vehicles, utilities, and fire protection, as provided in Section 23.53.005;*

Parcel A will have direct vehicular access via an easement from Fremont Avenue North. Parcel B will have direct vehicular access to both Fremont Avenue North and North 92nd Street. The Seattle Fire Department has no objection to the proposed short plat. All private utilities are available in this area. Seattle City Light provides electrical service to the proposed short plat. City Light has reviewed the proposal and will require an easement to provide for electrical facilities and service to the proposed lots. This short plat provides for adequate access for vehicles, utilities, and fire protection.

3. *Adequacy of drainage, water supply, and sanitary sewage disposal;*

This area is served with domestic water, sanitary sewer, and storm drain facilities by the City of Seattle. Availability of service is assured subject to standard conditions of utility extension. The short plat application has been reviewed by Seattle Public Utilities and a Water Availability Certificate was issued on July 28, 2004 (WAC ID No. 2004-1076).

The existing duplex and single family residence located on proposed Parcel A are apparently connected by an uninspected sidesewer that appears to also serve the property to the south - 9108 Fremont Avenue North - to an 8-inch public sanitary sewer (PSS) located in Fremont Avenue North. There is also a 6-inch PSS located in North 92nd Street.

As part of the “informal drainage system” serving this geographic area of the City, there is an intermittent ditch and culvert system located on the near side of Fremont Avenue North. A standard drainage control plan will be required prior to issuance of any related building permits.

4. *Whether the public use and interests are served by permitting the proposed division of land;*

The proposed short subdivision will meet all the applicable Land Use Code provisions. The proposed development has adequate access for vehicles, utilities and fire protection, and has adequate drainage, water supply and sanitary sewage disposal. The public use and interest will be served with this proposal because additional opportunities for housing would be provided within the City limits as a result of this subdivision. The proposal will meet all applicable criteria for approval of a short plat upon completion of the conditions in this analysis and decision.

5. *Conformance to the applicable provisions of SMC Section 25.09.240, short subdivision and subdivisions, in environmentally critical areas;*

This site is not located in any environmentally critical area as defined in SMC 25.09.240. There are no environmentally critical areas mapped or otherwise observed on the site.

6. *Is designed to maximize the retention of existing trees;*

There are two (2) trees located on the site. These trees can be preserved, depending upon the location of any future construction, the extent of the root systems and the overall health of the trees. Future construction will be subject to the provisions of SMC 23.44.008, 25.11.050 and 25.11.060 which sets forth tree planting and exceptional tree protection requirements on single family lots.

DECISION - SHORT SUBDIVISION

The proposed short plat is **CONDITIONALLY GRANTED**.

CONDITIONS - SHORT SUBDIVISION

Prior to Recording

1. Have final recording documents prepared by or under the supervision of a Washington state licensed land surveyor. Each lot, parcel, or tract created by the short subdivision shall be surveyed in accordance with appropriate State statutes. The property corners set shall be identified on the plat and encroachments such as side yard easements, fences or structures shall be shown. Lot areas shall be shown on the plat. All existing structures, principal and accessory, shall be shown on the face of the plat, and their distances to the proposed property lines dimensioned.
2. Submit the final recording forms for approval and any necessary fees.
3. Insert the following on the face of the plat; "Tree preservation and planting options and landscaping requirements of Seattle Municipal Code 23.44.008 require trees for new single family development."
4. Specify the location, description and removal of all trees at least 6" in diameter measured 4.5' above the ground, with correct species on the face of the plat.
5. A no-protest agreement for future improvements to Fremont Avenue North shall be signed and recorded with the King County Department of Records and Elections.
6. Include a side sewer easement "along-the-line as-constructed" for the benefit of the existing structures located upon proposed Parcel A, across proposed Parcel B.

7. Include an easement to provide for electrical facilities and service to the proposed lots as required by Seattle City Light (as described in Exhibit "A," P.M. # 260431-3-029) on the final short subdivision.
8. Include a minimum 5' wide utility easement as required per Water Availability Certificate (WAC #2004-1076) on the final short subdivision.
9. Obtain a DPD permit to remove the existing planter wall and legally establish three (3) onsite parking spaces accessory to the existing duplex and single family residence on Parcel A.
10. Legally demolish or remove the existing structure (detached shed).

After Recording and Prior to Issuance of a Building Permit

1. Attach a copy of the recorded subdivision to all future building permit application plans.
2. A no-protest agreement for future improvements to Fremont Avenue North shall be signed and recorded with the King County Department of Records and Elections for future construction on Parcel B.

Signature: (signature on file) Date: January 20, 2005
Tamara Garrett, Land Use Planner

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